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IN THE

Supreme Court of The United States

_____ TERM, 19 ____

NO. 948

JIM FAIR,

Petitioner,

v.

FRED O. DICKINSON, JR.,
as Comptroller of the
State of Florida,

Respondent.

PETITION FOR A WRIT OF CERTIORARI

TO THE SUPREME COURT OF THE

STATE OF FLORIDA

MEMORANDUM OPPOSING CERTIORARI

EARL FAIRCLOTH
Attorney General

P. A. PACYNA
Assistant Attorney General
The Capitol
Tallahassee, Florida

ATTORNEYS FOR RESPONDENT.

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This Petition for Writ of Certiorari fails to comply with the rules of this Court in many jurisdictional respects including, but not limited to failure to file the proper record to be certified to the Court at the time the petition is filed; filing the petition within the proper jurisdictional period and failing to inform this court of the subsequent and final determination of the questions raised in the present petition by the Supreme Court of the State of Florida in cases No. 38,962 styled CLAUDE R. KIRK, JR., as Governor of the State of Florida, Appellant, vs. LEW BRANTLEY, Representative, 21st District, and MALLORY E. HORNE, Senator, 5th District, individually and as Co-Chairmen, Joint Management Committee, Florida Legislature, and FRED O. DICKINSON, JR., as Comptroller of

the State of Florida, and BROWARD WILLIAMS, as Treasurer of the State of Florida, Appellees; and No. 38,956 styled STATE OF FLORIDA ex rel. LEW BRANTLEY, Representative, 21st District, and MALLORY E. HORNE, Senator, 5th District, individually and Co-Chairmen, Joint Management Committee, Florida Legislature, Relators, vs. CLAUDE R. KIRK, JR., as Governor of the State of Florida, FRED O. DICKINSON, JR., as Comptroller of the State of Florida, and BROWARD WILLIAMS, as State Treasurer of the State of Florida, Respondents, wherein the Supreme Court of the State of Florida put to rest fully, finally, and completely each and every question raised by the present petition so that this application for Writ of Certiorari not only is untimely but the present controversy not involving a federal question is patently moot.

The opinion in cases Nos. 38,962 and 38,956 in the Supreme Court of Florida, reported in 228 So.2d 278, is an attachment to this memorandum.

Not only has the Supreme Court of Florida determined the validity of Chapter 69-3 Laws of Florida (designated by petitioner as House Bill 795) but the Supreme Court opined constitutional references made by petitioner are inapplicable to upset the validity of the legislative action complained of here and which is the subject matter of this petition.

The Application for Injunction was denied on January 7, 1970 and the Petition for Writ of Certiorari should also be denied.

Respectfully submitted,

EARL FAIRCLOTH
Attorney General